

Appl. No. : 10/708,631
Amdt. Dated: May 7, 2008
Reply to Office Action of March 7, 2008

REMARKS

Claims 1-28 stand rejected. No claims have been amended in the present Response. Therefore, claims 1-28 are pending and at issue. Applicants respectfully request reconsideration of the rejections of claims 1-28 in view of the arguments presented herein.

As an initial matter, the present Response is being submitted after Final. However, Applicants have not presented any amendments. Therefore, no new searching is required to consider the present Response and Applicants respectfully request entry of the present Response.

Applicants would like to present a brief overview of the subject matter described and claimed in the present application to highlight the fundamental differences between the claimed subject matter and that disclosed in the newly cited reference to Feldman. Specifically, the present application is directed to methods for detecting fraudulent traffic sent from an affiliate web site to an advertiser web site whereby the affiliate is paid in a pay-per-click type system. As described in the Background section, pay-per-click systems operate by having an advertisement appear on an affiliates web site and the advertiser compensates the affiliate if an interested internet user clicks the link and visits the advertiser's site. As the affiliate's compensation is based on the number of users successfully redirected to the advertiser's site, there is an incentive to maximize the number of clicks through to the advertiser's site. "Click clubs" have formed where users are compensated for clicking advertiser's links on the affiliate's site even though they are not interested in the advertiser. Such traffic is bad traffic because the advertiser cannot determine if the user is actually interested, but still must compensate the affiliate for the click. Therefore, the method monitors traffic that is sent from a first website, such as an affiliate website, where a user clicks a link and is redirected to the advertiser's site.

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Feldman, on the other hand, is directed to the detection of web robots or rogues, such as robots used for search engine aggregation. This monitors and detects direct website access to determine if the user is a real user or a robot. For example, in Feldman, the system would be used to detect if the direct access of a search engine is being performed by a real user or a robot for a search engine aggregator. Determining if the user is real or a robot is necessary as the search engine generally includes advertisements with the search engine results. If the user is a robot, the advertisements will not be passed through the aggregator, thereby depriving the search engine of the opportunity to display the advertisement to a valid user.

Therefore, the system in Feldman attempts to ensure that advertisements are shown to valid users and not robots. The method described in the present application goes beyond the system in Feldman. Instead of simply attempting to have the advertisements shown to a valid user, the method attempts to verify that a user *clicking through* an advertisement is an interested user. Simply showing the advertisements to a valid user is completely different from verifying if an interested user clicks an advertisement and visits the advertiser's site, such as in a pay-per-click system.

Claims 1-3, 6-14, 20, 22-24 and 26-28 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Publication 2004/0117654 to Feldman. This rejection should be withdrawn as the rejection is based on a misunderstanding of the present claims and/or a mischaracterization of the cited reference.

Claim 1 recites, amongst other features, providing a first web site database having a list of first web sites likely to send bad traffic. Feldman simply fails to disclose or suggest this feature. The Office Action points to paragraph 34, data store and paragraph 51. Admittedly, Feldman discloses a data store and the creation of a watch list of registered users, such as

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described in paragraph 51. However, the cited sections specifically address the creation of data stores or watch lists directed to specific registered users. At no point do the cited sections discuss any sort of *web site* database containing a list of *web sites* likely to send bad traffic. The Office Action has incorrectly determined that a database concerning registered users of a site is the same as a database listing of web sites likely to send bad traffic. The two terms are directed to databases for two completely different entities. As discussed above, Feldman is directed to a completely different form of fraud detection based on analysis of the direct access of a registered user of the site whereas the method recited in claim 1 analyzes the traffic and web links, such as by utilizing a database of web sites likely to send bad traffic. Therefore, for this reason alone, the rejection should be withdrawn and claim 1 allowed.

Further, claim 1 recites providing a hypertext link to a second web site on the first web site. The Office Action cites to paragraphs 39 and 43 in Feldman for these features. However, contrary to the Office Action's assertion, the cited sections fail to disclose or suggest these features. Instead, the cited sections describe connecting to a server from remote terminals through the internet. At no point do the cited sections describe any form of hypertext links on a first web site to a second web site. For this additional reason, this rejection should be withdrawn and claim 1 allowed.

Claims 2-3 and 6-14 depend from and more specifically recite the features of claim 1. Therefore, for similar reasons presented above with respect to claim 1, the rejection of claims 2-3 and 6-14 should be withdrawn and the claims allowed.

Independent claim 20 recites similar subject matter as recited in claim 1. For example, claim 20 is directed to traffic between an affiliate web site and a advertiser web site. As discussed above, Feldman fails to disclose or suggest such web sites, let alone the recited traffic

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between the web sites. Furthermore, claim 20 recites web browser clicks on the respective sites. As discussed above, Feldman is directed to monitoring for robots based on the registered user's connection to a specific site and not the linking between an affiliate and an advertiser's web site. Therefore, for similar reasons to those presented above with respect to claim 1, the rejection of claim 20 should be withdrawn and the claim allowed.

Claim 22 depends from and more specifically recites the features of claim 20. Therefore, for similar reasons presented above with respect to claim 20, the rejection of claim 22 should be withdrawn and the claim allowed.

Independent claim 23 also recites similar subject matter to that described above with respect to claim 1. For example, claim 23 is directed to traffic between an affiliate web site and a advertiser web site. As discussed above, Feldman fails to disclose or suggest such web sites, let alone the recited traffic between the web sites. Furthermore, claim 23 recites internet user clicks on the respective sites. As discussed above, Feldman is directed to monitoring for robots based on the registered user's connection to a specific site and not the linking between an affiliate and an advertiser's web site.

Moreover, claim 23 recites the step of electronically determining if the advertiser web site is relevant to the keyword search. The Office Action cites to paragraphs 3 and 5-6 in Feldman for this feature. However, referring to the cited sections, Feldman is actually discussing the operation of robot crawling for search engines and the operation of the search engine itself. Obviously, the search engine is developed to provide search results that are relevant to the keyword search. However, that is not what is recited in claim 23. Instead, claim 23 recites determining if the advertiser website is relevant to the keyword search. Furthermore the search engine operation is completely independent and a separate system from the fraud/robot detection

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system in Feldman. In fact, the fraud/robot detection in Feldman has nothing to do with the keywords searched. Therefore, for these reasons, the rejection of claim 23 should be withdrawn and the claim allowed.

Claims 24 and 26-28 depend from and more specifically recite the features of claim 23. Therefore, for similar reasons presented above with respect to claim 23, the rejection of claims 24 and 26-28 should be withdrawn and the claims allowed.

Claims 4-5 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Feldman in view of Dunham. As discussed above, Feldman fails to disclose or suggest one or more features recited in claim 1, from which claims 4-5 depend. The proposed combination with Dunham similarly fails to disclose or suggest these features.

Additionally, the Office Action correctly acknowledges that Feldman fails to disclose or suggest providing a web site displaying a hypertext link to the second website by receiving a keyword search, preparing a list relevant to the keyword search and providing a hypertext link on the first web site that is relevant to the keyword search. To overcome this deficiency, the Office Action proposes combining Dunham with Feldman. However, Dunham is directed simply to search engine keyword searching. Feldman, on the other hand, is directed to robot detection, such as used by search engine aggregators. The two systems are completely independent and do not operate together, as implied by the Office Action. Therefore, this rejection is improper and should be withdrawn.

Claims 15-19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Feldman in view of Kirsch. As discussed above, Feldman fails to disclose or suggest one or more features recited in claim 1, from which claims 15-19 depend. The proposed combination with Kirsch similarly fails to disclose or suggest these features.

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Additionally, the proposed combination is improper. To assert a proper combination of references, the Office Action must show that the cited references are analogous or are at least reasonably pertinent or relevant to the particular problem in which the inventor is involved. M.P.E.P. § 2141.01(a). As discussed above, Feldman is directed to detection of robots, such as robots used for search engine aggregators.

Kirsch, on the other hand, is directed to an entirely different area of technology. Kirsch is directed to email filtering and spam systems. Kirsch utilizes whitelists and/or blacklists to determine if incoming email should be filtered out and/or blocked from a user's email. Essentially, the system in Kirsch analyzes the IP address of the incoming email message to determine if the message is coming from a known sender. The system in Kirsch is directed to dealing with email SPAM, which is completely unrelated to the concept described and claimed in the present application. One skilled in the art would not look to the wholly unrelated disclosure found in Kirsch. Thus, the combination of Kirsch with Feldman has been made with improper hindsight. Therefore, as Kirsch is nonanalogous and is completely unrelated to the particular problem the present application concerns, the combination is improper and the rejection should be withdrawn.

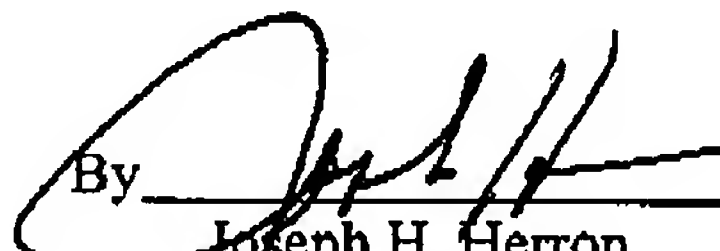
Claims 21 and 25 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Feldman in view of Bellare. As discussed above, Feldman fails to disclose or suggest one or more features recited in claims 20 and 23, from which claims 21 and 25 depend. The proposed combination with Bellare similarly fails to disclose or suggest these features. Therefore, this rejection should also be withdrawn and the claims allowed.

Applicants respectfully request entry of the present Response, reconsideration of the rejections of claims 1-28 and allowance of the case. If any fees are due in connection with this

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application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such withdrawal is made, please indicate the attorney docket number (35041-400400) on the account statement.

Respectfully submitted,

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